

- C. **Completion of the Construction of Required Improvements.** The construction of all improvements required by this Ordinance shall be completed within two (2) years from the date of the Common Council approval of the Preliminary Plat, Certified Survey Map, or Condominium.

SECTION 15-8.0207

FINANCIAL SURETIES REQUIRED

- A. **Form of Financial Sureties.** Financial sureties furnished to the City Attorney by Subdividers or Condominium Developers (as applicable) to ensure performance of obligations and guarantees under the terms of this Ordinance shall only be in a form which the City deems secure, and may include certified checks, irrevocable letters of credit in a form approved by the City Attorney.
1. **Determination of Financial Surety Amount.** The amount of financial surety shall be one hundred ten (110) percent of the City Engineer's estimated full amount of the obligation being ensured (including the costs of inspection), nor for less a period than the work is scheduled to be completed, however, the City shall allow reductions in the amount of the financial surety in proportion to the amounts of the obligations as they are fulfilled.
 2. **Disputes Over the Amount of Financial Sureties.** In a dispute over the amount of a surety, the estimate prepared by the City Engineer shall be given the greater weight.
- B. **Criteria for Determining Subdivider's or Condominium Developer's Delinquency in Meeting Requirements.** The City Engineer shall give notice by registered mail to the Subdivider or Condominium Developer and the Subdivider's or Condominium Developer's surety, of such delinquency, said notice to specify the corrective measures required if the Subdivider or Condominium Developer:
1. Fails to perform the work with sufficient workmen and equipment or with sufficient materials to ensure the completion of said work within the specified time; or
 2. Performs the work unsuitably, as determined by the City Engineer; or
 3. Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or
 4. Discontinues the execution of the work; or
 5. For any other cause whatsoever does not carry on the work in an approved manner.
- C. **Guarantee of Improvements.** The Subdivider or Condominium Developer shall guarantee all improvements for a period of one (1) year from the date of the acceptance of improvements by the City. To assure such improvement guarantee, the Subdivider or Condominium Developer shall provide an amount of financial surety (performance bond or letter of credit) not to exceed ten (10) percent of the construction value of said improvements.
- D. **Common Council Action.** After said notice, the Common Council shall call upon the performance guarantee to have the work completed in accordance with the terms of the performance guarantee.

DIVISION 15-8.0300

CONSTRUCTION SITE EROSION

City of Franklin Unified Development Ordinance

SECTION 15-8.0301

GENERAL PURPOSE AND INTENT

The City finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and the City of Franklin, including sites where the only development activity is grading, filling, and/or excavating, independent of or prior to building construction. It is the purpose of this Division to help preserve the natural resources; to protect the quality of the waters of the State and the City; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, nature conservancy areas and wetlands, minimizing the amount of airborne dust and preventing the destruction of natural resources intended to be preserved by this Ordinance through the administration and enforcement of the permit, plan, control measure and maintenance requirements of this Division. This Division is additionally intended to further the purposes of and is made pursuant to the authority granted under §§62.23(7), 62.234 and 236.45, Stats. The Division does not apply to the operations and uses listed in Subparagraphs a. through g. as not constituting development under the definition of “development” at Section 15.11.0103 of the Ordinance.

SECTION 15-8.0302

GENERAL APPLICABILITY

This Division of this Ordinance applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the City of Franklin and the public and private lands subject to extraterritorial review under Chapter 236 of the Wisconsin State Statutes. This Division 15-8.0300 is not applicable to activities conducted by an agency, as defined under s. 227.01 (1), Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into s. 281.33 (2), Stats. All activities occurring under this Division 15-8.0300, except where expressly stated herein to the contrary, shall be conducted pursuant to the applicable Best Management Practices as adopted by the Wisconsin Department of Natural Resources, as amended from time to time.

SECTION 15-8.0303

DESIGN CRITERIA, STANDARDS, AND SPECIFICATIONS FOR CONTROL MEASURES

All control measures required to comply with this Ordinance shall meet the design criteria, standards and specifications for the control measures as required by this Division and as reasonably required and approved by the City Engineer or designee, upon established engineering principles as applicable, and as necessary to meet the purposes and intent of this Division.

SECTION 15-8.0304

MAINTENANCE OF CONTROL MEASURES

All sedimentation basins and other control measures required by this Division shall be maintained by the land owner, land occupant and all persons and entities performing development activities upon or adjacent or near the property upon which the control measures are installed in a manner to ensure their intended performance and to prevent nuisance conditions, during the period of land disturbance and land development of the site, and thereafter for control measures intended to perform thereafter for an extended period of time or permanently.

SECTION 15-8.0305

CONTROL OF EROSION, POLLUTANTS AND NUISANCE DURING LAND DISTURBANCE AND DEVELOPMENT

- A. **Specific Applicability.** This Section applies to the following sites of land development or land disturbing activities:
1. **Subdivision Plats.** Those requiring a Subdivision Plat approval or the construction of residential or commercial, industrial or institutional buildings on lots of approved Subdivision Plats.
 2. **Certified Survey Map.** Those requiring a Certified Survey Map approval or the construction of residential or commercial, industrial or institutional buildings on lots of an approved Certified Survey Map.
 3. **Grading, Removal of Protective Ground Cover or Vegetation, Excavation, Land Filling or Other Land Disturbing Activity.** Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of five hundred (500) square feet or more in area.
 4. **Excavation or Filling.** Those involving excavation or filling or a combination of excavation and filling affecting ten (10) cubic yards or more of dirt, sand or other excavation or fill material.
 5. **Street, Highway, Road, or Bridge Construction, Enlargement, Relocation or Reconstruction.** Those involving street, highway, road, or bridge construction, enlargement, relocation or reconstruction.
 6. **Laying, Repairing, Replacing or Enlarging of an Underground Pipe or Facility.** Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.
 7. **Supporting or Adjoining Natural Resource Features.** Those which are within 100 feet of any natural resource feature listed in Table 4.0100.
- B. **Erosion and Other Pollutant Control Requirements.** The following requirements shall be met on all sites described in Paragraph A. of this Section:
1. **Site Dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of one hundred (100) microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than one hundred (100) microns during dewatering operations, then no control is needed before discharge, except as determined by the City Engineer or his authorized representative. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
 2. **Waste and Material Disposal.** All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.
 3. **Tracking.** Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private

roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

4. **Drain Inlet Protection.** All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting City Engineer accepted design criteria, standards and specifications.
5. **Site Erosion Control.** The following criteria set forth in Subparagraph a. through d. apply only to land development or land disturbing activities that result in runoff leaving the site.
 - a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in this Division. Sheetflow runoff from adjacent areas greater than nine thousand (9,000) square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 ft/sec across the disturbed area for the set of one-year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. U.S. Soil Conservation Service guidelines for allowable velocities in different types of channels shall be followed. These guidelines have been incorporated into the Wisconsin Administrative Code at Chapter NR 120.16, as amended.
 - b. All activities on the site shall be conducted pursuant to a construction site plan schedule sequence approved by the City Engineer or designee, to minimize the area of bare soil exposed at any one time.
 - c. Runoff from the entire disturbed area on the site shall be controlled by meeting either Subparagraphs (1), (2) and (4), or (1), (3) and (4) set forth below.
 - (1) All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding and mulching, or sodding (only available prior to October 15th), or by other equivalent control measure as approved by the City Engineer.
 - (2) For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1.4 percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen (15) microns in size, based on the set of 1-year design storms having durations from one-half (0.5) to twenty-four (24) hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - (3) For sites with less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all side slope and down slope sides of the site. If a channel or area of concentrated

runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

- (4) For all sites containing disturbed soils, constructed swales shall be protected by filter fence checks placed perpendicular to the flow of the swale and at a distance of not more than one hundred (100) feet apart. The last downstream check fence shall be placed within five (5) feet of the entrance to an existing drainage channel, swale or public right-of-way.
- d. Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a down slope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven (7) days, and the storm drain inlets must be protected with insert baskets and straw bales or other appropriate filtering barriers as approved by the City Engineer or his authorized representative.
6. **Dust Control Areas.** Areas disturbed by destruction of vegetative cover shall be subject to dust control by applicable environmental regulation. Bare soils prone to air erosion during windy periods shall be wetted down to prevent air pollution. Unpaved streets, haul roads, or adjacent paved streets shall be given a dust-preventative treatment or swept and/or watered as required to prevent airborne dust. Power booms unassisted by water injection or vacuum will not be allowed.
7. **Street Right-of-Way.** No excavated material shall be placed or stored on the pavement or curb lawn area within the street right-of-way. No grading or excavation shall be allowed within the street right-of-way without a special permit issued by the City Engineer or his authorized representative. Soils that have eroded onto or have been tracked onto the street right-of-way from a site will be removed under the direction of the City Engineer, and the cost of said removal shall be charged to the landowner or land user.
8. **Erosion of Placed Materials.** No soil, sediment, rock or other material existing as a result of any land developing or land disturbing activity shall be allowed to erode onto or be placed upon any private property adjacent to the site without the prior written consent of the adjoining landowner and then, only after that adjoining landowner obtains the necessary permit(s).
9. **Natural Resource Protection Standards.** All natural resource features shall be preserved and protected at all times, pursuant to the requirements of Part 4 of this Unified Development Ordinance, which is specifically applied to land disturbance, whether such land disturbance is independent of, prior to, or associated with any other development, including, but not limited to, those setting forth any buffer or setback requirements. Every application for a Construction Site Erosion Control Permit shall contain a statement that the proposed land disturbance area is not within 100 feet of a natural resource feature, if true, which shall be confirmed by the City Engineer or designee by

inspection. Every application for such permit for a land disturbance within 100 feet of a natural resource feature shall include the submission by the applicant of a Natural Resource Protection Plan pursuant to Division 15-7.0200 of this Unified Development Ordinance or such permit shall not be granted.

- C. **Specific Requirements for Land Filling.** In addition to the requirements of Subsection B. above, every person who shall fill upon any lot, tract or parcel of land:
1. Shall fill such land as evenly as possible and at the end of such filling shall level and grade such fill and shall see to it that the top thereof shall be of soil, free from broken concrete and relatively free from gravel, and that the upper four (4) inches thereof shall be of soil suitable for growing grass. The surface of said filling shall be kept free from dust at all times during the filling operations and thereafter.
 2. Shall conduct land filling so that it is operated and maintained in a sanitary manner, rodent free, with no emission of dust or dirt beyond its boundary lines.
 3. Shall be responsible for and ensure that all materials delivered to the landfill site shall be deposited in a manner to prevent erosion into any watercourses, roadside ditches or onto adjoining properties.
 4. Shall be responsible for and ensure that all fill operations shall be confined to the hours of 7:00 a.m. to 5:00 p.m. daily, and 7:00 a.m. to 12:00 noon on Saturdays unless otherwise shown or permitted on the application. No such activity shall be permitted on Sundays.
 5. Shall not operate equipment or otherwise cause noise which interferes with nearby property owners in the peaceable enjoyment of their properties. The permittee shall maintain roadways to and across the site in a smooth condition to minimize noise of delivery vehicles.
 6. Shall be responsible for any damage and unusual wear on the pavement, roads curb and gutter, culverts or other structures in the public right-of-way leading to the landfill site.
 7. Shall be responsible for and ensure that no natural drainage ways or swales shall be blocked, and fill shall be placed in a manner to prevent formation of water nuisances or insect breeding ponds.
 8. Shall not cause or allow any fill material to erode into any watercourse or onto any adjoining property and shall remove such material at such person's expense upon the order of the City Engineer.
 9. Shall supply and install such fencing or suitable visual screen as approved by the City Engineer or designee on all side of the site.
 10. All construction site erosion control plans involving filling shall specify the amount of fill in cubic yards and describe the nature and content of the fill material. The depositing on any land of flammable and/or combustible materials and the depositing of fly ash, foundry refuse and other similar materials of such texture or material that they will be capable of being airborne, and the permitting of such depositing shall be and is hereby declared to be a public nuisance.

No landowner, occupant, land user, person or entity may commence, continue, and no landowner or occupant may suffer or allow to continue, a land disturbance or land development activity subject to this Ordinance or Division, without receiving prior approval of a control plan for the site and a Construction Site Erosion Control Permit, excepting when the disturbance or activity is made under a single family home building permit or other development approval which provides the control measures required under this Division, i.e., Subdivision Development Agreement, Special Use Resolution and the like. Any person or entity desiring to undertake a land disturbing or land development activity subject to this Division shall obtain the submission of an application for a Construction Site Erosion Control Permit, together with a control plan and pay an application fee. *[Note: The application fee shall be included in the fee for building permits and other applicable development approvals, where constituting the exception set forth above.]* The fee for Construction Site Erosion Control Permit applied for after the land disturbance or land development activity has already commenced, shall be doubled. By submitting an application, the applicant is authorizing the City Engineer or designee and City representatives to enter the site to obtain information required for the review of the control plan and for subsequent inspections and municipal reviews and actions.

- A. **Construction Site Erosion Control Plan for Land Disturbing Activities Covering More than One (1) Acre or within 100 feet of a Natural Resource Feature.** The content of a construction site erosion control plan for land disturbing activities for an area covering more than one (1) acre shall be as follows:
1. **Existing Site Map.** A map of existing site conditions on a scale of at least 1 inch equals 100 feet showing the site and immediately adjacent areas:
 - a. Site boundaries and adjacent lands which accurately identify site location.
 - b. Lakes, ponds, streams, wetlands, channels, ditches and other water courses and all resource features on and immediately adjacent to the site. *[Note: The City of Franklin Engineering Department will identify sensitive local waters that may need to be further addressed by the control plan.]*
 - c. One hundred (100) year recurrence interval floodplains, flood fringes and floodways.
 - d. Location of the predominant soil types.
 - e. Vegetative cover.
 - f. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site.
 - g. Locations and dimensions of utilities, structures, roads, highways, and paving.
 - h. Site topography at a contour interval not to exceed two (2) feet.

- i. Such additional data as may reasonably be required by the City Engineer to meet the purposes and intent of this Division.
 2. **Plan of Final Site Conditions.** A plan of final site conditions drawn at the same scale as the existing site map showing the site changes.
 3. **Site Construction Plan.** A site construction plan including:
 - a. Locations and dimensions of all proposed land disturbing activities.
 - b. Locations and dimensions of all temporary soil or dirt stockpiles.
 - c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Ordinance.
 - d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this Division.
 - e. Provisions for maintenance of the construction site control measures during construction and thereafter, as applicable.
 - f. Such additional data as may reasonably be required by the City Engineer to meet the purposes and intent of this Division.
- B. **Construction Site Erosion Control Plan for Land Disturbing Activities Covering Less than One (1) Acre, and not within 100 feet of a Natural Resource Feature.** The content of a construction site erosion control plan for land disturbing activities for an area covering less than one (1) acre and not within 100 feet of a natural resource feature shall be an erosion control plan written statement which describes the site, the land disturbance and development activity to occur, the development schedule and the erosion and other control measures, together with simple map of the site.

SECTION 15-8.0308

CONSTRUCTION SITE EROSION CONTROL PLAN REVIEW

Within fifteen (15) days of receipt of the application, control plan and application fee, the City Engineer or designee shall review the application and control plan to determine if the requirements of this Ordinance and Division are met. The City Engineer or designee may request comments from other departments, agencies boards or commissions. If the requirements of this Ordinance and Division are met, the City Engineer or designee shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the City Engineer or designee shall inform the applicant in writing and may either require needed information or disapprove the plan. Within fifteen (15) days of receipt of needed information, the City Engineer or designee shall again determine if the plan meets the requirements of this Ordinance and Division. If the plan is disapproved, the City Engineer or designee shall inform the applicant in writing of the reasons for the disapproval. Any person aggrieved by any decision of the City Engineer or designee under this Section may appeal such decision to the Board of Zoning and Building Appeals pursuant to §62.23(7)(e)4., Stats., and Division 15-10-0200 of this Ordinance, within 15 days of the date of mailing of the decision to the applicant.

- A. **Permit Duration.** Permits shall be valid for a period of one (1) year unless otherwise shown on the permit, or the length of the building permit or other construction authorizations, whichever are longer, from the date of issuance. The City Engineer or designee may extend the period one or more times for up to an additional one hundred and eighty (180) days. The City Engineer or designee may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Division.
- B. **Permit Conditions.** All permits shall require the permittee to:
1. Notify the City Engineer or designee within forty-eight (48) hours of commencing any land disturbing activity.
 2. Notify the City Engineer or designee of completion of installation of any control measures within three (3) days after their installation.
 3. Obtain permission in writing from the City Engineer or his designee prior to modifying the control plan.
 4. Install all control measures as identified in the approved control plan.
 5. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan.
 6. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities.
 7. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs and undertake such other or additional inspecting and activities as recommended in the Wisconsin Construction Site Best Management Practice Handbook, *WDNR Pub. WR-222* November 1993 Revision.
 8. Allow the City Engineer and designee and City representatives to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.
 9. Keep a copy of the control plan on the site, if facilities are available.

SECTION 15-8.0310

FINANCIAL SURETIES REQUIRED

As a condition of approval and issuance of the Construction Site Erosion Control Permit, and upon approval of the Common Council, the City Engineer or designee may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.

SECTION 15-8.0311

INSPECTION AND ENFORCEMENT

- A. **Inspection.** The City Engineer and designee and such City representatives as may be designated by the Common Council may inspect construction, land disturbing or land development sites as often as necessary to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the City Engineer or designee shall enter the land by permission of the landowner or pursuant to the provisions of §§66.122 and 66.123, Stats., as amended.
- B. **Enforcement.** Enforcement of this Division shall be accomplished as follows:
1. The City Engineer or his authorized representative may post a stop-work order on all building, construction, land disturbing or land development activities if:
 - a. Any land disturbing or land developing activity regulated under this Division is being undertaken without a permit; or
 - b. The control plan is not being implemented in a good faith manner; or
 - c. The conditions of the permit are not being met.
 2. If the permittee does not cease the activity or comply with the control plan or permit conditions forthwith, the City Engineer or his authorized representative may revoke the permit.
 3. If the landowner or land user where no permit has been issued does not cease the activity forthwith, the City Engineer or his authorized representative may request the City Attorney to obtain a cease and desist order.
 4. In addition to the forgoing provisions of this Subsection, this Division may be enforced by way of injunction, the imposition of forfeitures and other available relief pursuant to Division 9.0500 of this Ordinance and the undertaking by the City to cure any defects or complete any plans or measures, with the costs thereof to be assessed against the property owner and entered upon the tax roll pursuant to the procedures for a special charge under §66.0627, Stats. Any violation of this Division is hereby declared to be a public nuisance.

SECTION 15-8.0312

PENALTY FOR NONCOMPLIANCE WITH THIS DIVISION

Any person or entity violating the provisions of this Division shall be liable for any or all damages or expenses sustained or incurred by the City by reason of such violation and failure to control soil erosion as described in this Ordinance, together with any expenses which the City may incur in enforcing any of the terms or provisions of this Division. The penalty for violating the terms of this Division of this Ordinance shall be as set forth in Section 31.04 of the Municipal Code. Compliance with the provisions

of the associated permit shall be enforced. Compliance with the provisions of this Division may also be enforced by injunction.

DIVISION 15-8.0600 STORMWATER MANAGEMENT

AN ORDINANCE TO AMEND DIVISION 5-8.0600 OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FRANKLIN RELATING TO STORM WATER MANAGEMENT

The Common Council of the City of Franklin does hereby ordain that Division 15-8.0600 of the Unified Development Ordinance of the City of Franklin is amended to read as follows:

SECTION 15-8.0601 STORM WATER MANAGEMENT

15-8.0601 AUTHORITY

- (1) This ordinance is adopted by the Common Council under the authority granted by s. 62.234 Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23 Wis. Stats., that relate to storm water management regulations.

15-8.0602 FINDINGS OF FACT

The Common Council finds that uncontrolled, runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature;
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;
- (4) Reduce the quality of groundwater by increasing pollutant loading;
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other drainage facilities;
- (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes;
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding;
and